

## **REMARKS**

Reconsideration of the First Action/Final Office Action of May 18, 2006 is respectfully requested. Enclosed herewith is a one month extension of time with requisite small entity fee.

In the present application, claims 1-41, 43 and 45 to 48 , and 50 to 51 are pending (claim 49 being canceled herein and incorporated into its base claim 47), with dependent claims 26-29, 31, 32, 34 and 41 deemed to contain allowable subject matter and the remainder rejected under the prior art as summarized below.

A) Claims 1-25, 30, 33, 35, 36, 38, 40, 43 and 45-51 asserted to be anticipated by the noted "User's Guide";

B) Claims 37 and 39 are asserted in the Office Action as being considered obvious in view of the "User's Guide".

Each of these rejections is respectfully traversed. Amongst the rejected claims, claims 1, 45, 46, and 47 represent independent claims and since each of these claims is submitted to patentably distinguish over the User's Guide reference, a discussion of these claims is presented below.

### **CLAIM 1:**

Claim 1 is asserted to be anticipated by the User's Guide on the basis that the frame structure and floating roller supported by that frame structure represent a housing and that the "roller part" of the frame housing presents a smooth film contact surface. There is also reference to the frame walls of that frame structure presenting smooth film contact surfaces to the film. It is further asserted that—

"interior web surfaces of the film diverge to opposite sides of an upstream

end of the housing (via the interior web surfaces of the film is inherently diverging between opposite side walls of the housing) and slide along respective planar front and back side walls of the housing).”

It is further asserted in the Office Action that –

“Note that the claimed amendment as are broad enough to keep rejecting the claims over Speedy Packer’s guide as by maintaining the rejection by considering the machine housing as equivalent to the claimed “dispenser housing which internally receives said mixing module” as the machine housing receives the mixing module 9 **and the film travels and diverges in the housing** as disclosed by the amendments.

This assertion is respectfully traversed. The claim language at issue above indicates:

*a dispenser housing which internally receives said mixing module and is in contact with film being drawn past said housing by said film feeding device, and said housing being dimensioned as to present a smooth contact surface over all areas of film contact with said housing, **and wherein said housing is positioned relative to film travel such that opposing, interior web surfaces of the film diverge to opposite sides of an upstream end of said housing and slide along respective planar front and back side walls of said housing.***

Thus, based on the language above the opposing, **interior** surfaces of the film:

- (1) diverge to opposite sides of an upstream end of the housing; and
- (2) **slide along** respective planar front and back side walls of said housing.

Stated in other terms, the housing is arranged such that the **interior surfaces of the film slide along the planar front and back side walls** of the housing.

Further the term “slide along” , as would be recognized by one of ordinary skill in the art, establishes a contact relationship between the interior surfaces and the noted planar side walls of the housing.

As noted in the previous Office Action, it is submitted that one of ordinary skill in the art would not consider a floating roller supported internally between two support walls to constitute a part of a “housing” just like a toner roller supported between two side walls in a copier machine would not be deemed part of a housing. However, even taking into consideration, for the sake of argument, the interpretation that a floating roller (supported within an interior region of supporting walls) can represent part of a housing, the assembled “housing” in the Office Action fails to present a housing having planar front and back surfaces along which the interior surfaces of the film being drawn therepast slide along. In other words, the reliance on the phrase in the Examiner’s rebuttal arguments that **“the film travels and diverges in the housing”** is not sufficient to meet the claimed features of claim 1 of *“wherein said housing is positioned relative to film travel such that opposing, interior web surfaces of the film diverge to opposite sides of an upstream end of said housing and slide along respective planar front and back side walls of said housing*

Accordingly, it is respectfully submitted that claim 1 in its present form stands in condition for allowance together with its dependents.

CLAIM 45:

Relative to independent claim 45, claim 45 includes the following language:

*and said housing having an outwardly **diverging upper section and front and rear planar side walls** extending down from respective front and rear ends of said outwardly diverging upper section and providing wrinkle avoidance contact surfaces to interior, front and rear film sections being drawn past and along said front and rear planar side walls of said dispenser housing.*

The design in the “User’s Guide” presents a structure where film contact with the frame structure is lacking and the rollers are used to define the film guide path. Thus even

if the floating roller is deemed part of the “housing” there is lacking planar contact surfaces in a dispenser housing relative to interior front and rear film sections being diverged by an upper section of the housing for similar reasons set out relative to claim 1 above. Thus the rejection of claim 45 is submitted to be improper.

CLAIMS 46 and 47:

Relative to independent claim 46, claim 46 includes the following language:

*....said dispenser comprises a dispenser material **module which receives a foam precursor chemical** and a dispenser housing which internally receives said module...*

*a **drive mechanism for opening and closing an outlet port in said module, said drive mechanism including a motor supported externally of said dispenser housing** and a drive transmission received by said dispenser housing, and said dispenser housing being supported in cantilever fashion such that **an inner edge of film width falls between a free end of the cantilevered dispenser housing and said motor during film feed.***

The film that is fed down in the User’s Guide travels to the front and back of dispenser manifold 9 to which a cartridge block, containing the cartridge within which reciprocates the chemical foam dispensing valve rod, is attached. The manifold 9 and attached cartridge can be contained in a dispenser cover shown schematically in Figure 4-2 of the User’s Guide. As shown in Figure 4-4 dispensing is achieved by adjusting the position of the cartridge’s valve rod to open chemical passageways in the manifold. This adjustment of the cartridge is achieved by a small motor contained in the manifold 9 that is triggered to move up and down the valve rod.

The Office Action asserts the User Guide has the following features relative to the above quoted claim 46 language:

“a drive mechanism for opening and closing an outlet port in the module (via 10); the drive mechanism including a motor supported externally of the dispenser housing (via motor 13).”

It is first noted that there is lacking a discussion as to what in the User Guide represents a cantilever supported dispenser housing. The referenced bracket 10 in the User Guide holds the manifold internally (and generally centrally) between the film webs (and film edges) based on foundation support provided by the “housing” frame structure (thus while manifold 9 is supported in cantilever fashion via the frame structure, the reverse is not true).


In addition, as noted above, the motor in the User’s Guide which drives the cartridge contained in the cartridge block attached to manifold 9 is internal to the manifold (and is in driving engagement with the enlarged end of the valve rod shown in Figure 4-4). The motor (“via motor 13”) relied upon in the rejection has no driving relationship with the module but instead drives the nip rollers and thus cannot be said to be part of the drive mechanism associated with opening and closing an outlet port in the module receiving chemical. As the only motor associated with the opening and closing of the module is fully within the confines of the film overlap, there is also lacking a motor and dispensing housing arrangement that places an internal film edge between the motor and free end of the cantilevered dispensing housing. Thus, the rejection against claim 46 is respectfully submitted to be improper.

Claim 47 currently includes the language of cancelled dependent claim 49 directed at the above described motor, film and dispenser housing relationship not shown or disclosed in the prior art as described above for claim 46. Accordingly it is respectfully submitted that independent claim 47 stands in condition for allowance.

In view of the foregoing it is respectfully submitted that each of independent claims 1, 45, 46 and 47 stands in condition for allowance as well as the dependent claims depending therefrom. Accordingly, allowance of the present application is respectfully submitted as being appropriate.

If any fees are due in this filing, please charge the fees to Deposit Account No. 02-4300. If an extension of time is necessary and not included herewith, such an extension is requested. The extension fee should be charged to Deposit Account No. 02-4300.

Respectfully submitted,  
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